



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

JAIME E. CASTANEDA,

Plaintiff,

v.

**AETNA HEALTH INC. and
OSCAR ENRIQUEZ, M.D.,**

Defendants.

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**CIVIL ACTION NO. 1:07-CV-532
(TH/KFG)**

**ORDER ADOPTING
REPORT AND RECOMMENDATION ON MOTION TO DISMISS**

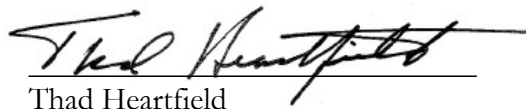
Pursuant to 28 U.S.C. § 636(b)(1)(A) and the Local Rules for the United States District Court, Eastern District of Texas, Appendix B, the Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration of and recommended disposition on pretrial matters and proceedings. Pending before the Court is Defendant Oscar Enriquez M.D.'s *Motion to Dismiss* [Clerk's doc. #4].

On April 17, 2008, Judge Giblin issued a *Report and Recommendation* on the motion to dismiss [Clerk's doc. #5]. Judge Giblin entered findings and recommended that the Court deny the *Motion to Dismiss*.

To date, no party has objected to the *Report and Recommendation*. Failure to file specific, written objections to the magistrate's findings and recommendation waives *de novo* review by the

District Court. *See* 28 U.S.C. § 636(b)(1). Accordingly, having considered the *Report and Recommendation* and the record in this cause, the Court agrees with the magistrate judge's findings and conclusions. The Court therefore **ORDERS** that the *Report and Recommendation of United States Magistrate Judge on Motion to Dismiss* [Clerk's doc. #5] is **ADOPTED**. The Defendant's *Motion to Dismiss* [Clerk's doc. #4] is **DENIED**.

SIGNED this the 2 day of May, 2008.


Thad Heartfield
United States District Judge